

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Fallaux et al.

**Serial No.:** 10/038,271

**Filed:** October 23, 2001

**For:** PACKAGING SYSTEMS FOR  
HUMAN RECOMBINANT ADENOVIRUS  
TO BE USED IN GENE THERAPY

**Confirmation No.:** 8381

**Examiner:** D. Nguyen

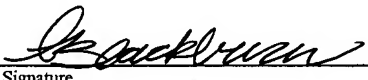
**Group Art Unit:** 1632

**Attorney Docket No.:** 2578-3833.6US

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

Other Documents

ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.

BERG et al., High-Level Expression of Secreted Proteins from Cells Adapted to Serum-Free Suspension Culture, BioTechniques, 1993, pp. 972-78, Vol. 14, No. 6.

COLBY et al., Adenovirus Type 5 Virions Can Be Assembled In Vivo in the Absence of Detectable Polypeptide IX, Journal of Virology, Sept. 1981, pp. 997-80, Vol. 39, No. 3.

GALLIMORE et al., Transformation of Human Embryo Retinoblasts with Simian Virus 40, Adenovirus and ras Oncogenes, Anticancer Research, 1986, pp. 499-508, Vol. 6.

GenBank Accession No. X02996.1, 1993, "Adenovirus type 5 left 32% of the genome."

GRAHAM et al., Size and location of the transforming region in human adenovirus type 5 DNA, Nature, October 25, 1974, pp. 687-91, Vol. 251.

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MARCK, CHRISTIAN, 'DNA Strider': a 'C' program for the fast analysis of DNA and protein sequences on the Apple Macintosh family of computers, Nucleic Acids Research, 1988, pp. 1829-36, Vol. 16, No. 5.

MITANI et al., Rescue, propagation, and partial purification of a helper virus-dependent adenovirus vector, Proc. Natl. Acad. Sci., April 1995, pp. 3854-58, Vol. 92.

NCBI database excerpt: Locus AC\_000008 (human adenovirus type 5)

Notice of Opposition to a European Patent by Serono International S.A. filed against Patent No. 0 833 934 (July 5, 2005).

Opposition lodged by Cevec Pharmaceuticals GmbH against European Patent 0 833 934 (July 5, 2005).

PESHTA et al., Cultivation of Mammalian Cells as Aggregates in Bioreactors: Effect of Calcium Concentration on Spatial Distribution of Viability, 1993, pp. 179-87, Vol. 41.

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ROWE et al., Establishment and Characterization of Hamster Cell Lines Transformed by Restriction Endonuclease Fragments of Adenovirus 5, Journal of Virology, Jan. 1984, pp. 162-70, Vol. 49, No. 1.

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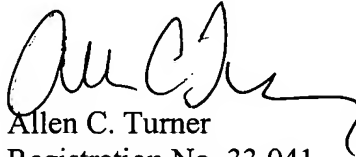
WOODWORTH et al., Transformation of Differentiated Rat Hepatocytes with Adenovirus and Adenovirus DNA, Journal of Virology, Nov. 1987, pp. 3570-79, Vol. 61, No. 11.

Serial No.: 10/038,271

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, and therefore no fee is due.

Respectfully submitted,



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Date: August 5, 2005  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 2

**Complete if Known**

Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833 611S

**NON PATENT LITERATURE DOCUMENTS**

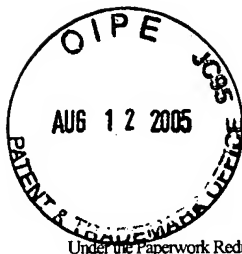
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		ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.	
		BERG et al., High-Level Expression of Secreted Proteins from Cells Adapted to Serum-Free Suspension Culture, BioTechniques, 1993, pp. 972-78, Vol. 14, No. 6.	
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		Opposition lodged by Cevac Pharmaceuticals GmbH against European Patent 0 833 934 (July 5, 2005).	

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Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833 GIIS

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PESHTWA et al., Cultivation of Mammalian Cells as Aggregates in Bioreactors: Effect of Calcium Concentration on Spatial Distribution of Viability, 1993, pp. 179-87, Vol. 41.	
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